

MEMORANDUM | April 9, 2014

TO Sean Sheldrake and Kristine Koch, U.S. Environmental Protection Agency, Region 10
FROM Gail Fricano, IEc
SUBJECT Comments on CDM Memo: Identification of Principal Threat Waste at the Portland Harbor Superfund Site

This memorandum provides comments on behalf of the Five Tribes¹ on the CDM memo to EPA titled *Identification of Principal Threat Waste at the Portland Harbor Superfund Site*, dated April 3, 2014. The CDM memo outlines an approach for identifying Principal Threat Waste (PTW) at the Portland Harbor site consistent with EPA guidance.

Overall, we think that the approach outlined in the memo for identifying PTW is reasonable. Given the complexity of determining whether contaminated material can be reliably contained, we agree with the decision to evaluate this characteristic as part of the long-term effectiveness evaluation of containment-based alternatives in the Feasibility Study.

Our only substantive comment relates to the calculation of the PCB concentration-based threshold. Although we don't disagree with the approach of calculating the concentration-based threshold as the PRG multiplied by 1,000, we note the inconsistency between the CDM approach and DEQ's approach for calculating the Oregon hot spot concentration for PCBs (as discussed at the partners' FS meeting on December 19, 2013). It is our understanding that Oregon Department of Environmental Quality (ODEQ) interpreted their own hot spot guidance such that the hot spot concentration is a multiple of a risk-based threshold. Because the PCB PRG is not a risk-based threshold, but rather is the background concentration, ODEQ used a multiple of the PCB risk-based threshold rather than the higher background concentration. EPA's guidance on defining PTW (USEPA 1991) also recommends what is in practice a multiple of a risk-based threshold. However, CDM's approach multiplies the PCB PRG (based on the background concentration) by 1,000 instead of using the risk-based threshold. This approach results in very small areas of the site being classified as PCB PTW areas, whereas with ODEQ's approach, almost the entire site is classified as a PCB hot spot area. This inconsistency may raise questions about the two approaches, though the Five Tribes do not endorse one approach over the other.²

¹ The five tribes are the Confederated Tribes of The Grand Ronde Community of Oregon, the Nez Perce Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon.

² We also understand that the ODEQ approach presented at the December 19, 2013 partners' FS meeting is subject to change and that the approaches are based on two different sets of guidance and that the two approaches do not necessarily need to agree.

Two minor editorial comments include the following:

- The labeling of the figures, particularly Figures 1 and 2, is confusing. There are two figure captions on Figures 1 and 2, and Figures 1 and 2 use the term “Memo Figure”, while Figures 3 through 6 simply use the term “Figure”. We question whether the source document figure captions in Figures 1 and 2 are necessary. Perhaps a “Source” line could be added at the bottom of the figures to indicate which document the figure came from, and perhaps the figure number in that document. Short of this option, we recommend placing the memo figure box in the same place on each figure and consistently using either “Memo Figure” or “Figure” for each.
- The second bullet under “Summary and Conclusions” on page 5 should read “as evidenced by”, not “as evidence by”.

REFERENCES

U.S. Environmental Protection Agency (USEPA). 1991. Guide to Principal Threat and Low Level Threat Wastes. Superfund Publication 9380.3-06FS. November 1991.